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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number 09/872,914  
Appn. Filed 06/01/2001  
Applicant Ferdinand Schermel  
Title Tiltable Modular Recycle Container System  
Examiner Stephen J. Costellano  
Art Unit 3727

FAX RECEIVED

NOV 08 2002

GROUP 3700

## SUMMARY OF RECORD OF INTERVIEW

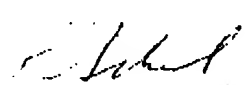
Nov 5, 2002

PARTICIPANTS: Lee Young (SPE), Ferdinand Schermel (applicant pro se)  
DATE OF INTERVIEW: 26 September 2002

Sir:

In response to the Office Action mailed 10/10/2002, applicant agrees with the following summary.

The examiner contacted applicant and discussed the merits of the case. All rejections of record were reviewed and all of the applicants main arguments were repeatedly answered. Applicants options for further prosecution were also reviewed. Due to the fact that applicant had had multiple interviews in the application, applicant was told in no uncertain terms that ALL further communications are to be filed in writing for formal consideration.

  
Ferdinand Schermel (applicant pro se)

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## SUMMARY OF RECORD OF INTERVIEW

Nov 5, 2002

PARTICIPANTS: Steven J. Castellano, Ferdinand Schermel (applicant pro se)  
DATE OF INTERVIEW: 26 September 2002

Sir:

In response to the Office Action mailed 10/10/2002, Examiner and applicant agree that adjoining means touching or bounding at a point or line. However applicant disagrees with the main points of the summary and respectfully submits the following summary.

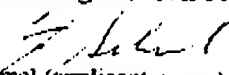
Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant initiated interview and wished to discuss claims of record on their merits as being allowable over the art of record. Applicant submitted a definition of the term "adjoining" as meaning touching or bounding at a point or line. Applicant has never admitted that the cart 28 of Evans is a wheeled container, but rather has argued that there is no free space for contents to be placed and has maintained this position in the Amendment A, proposed Amendment B (after final not allowed), and in the RCE. Applicant argues that even if cart 28 was construed as a wheeled container, it does not touch the top container of Evans', hence it is not adjoining since there is a container between them, but however is secured simultaneously with the same single means of securing as the top container, to a non-adjoining container. Applicant secures between each adjoining containers independently.

Applicant next argued for commercial success and long felt need of claim 1 which is rejected on a 102 basis rather than a 103 basis. Secondary considerations are not considered for a 102 rejection.

Applicant has always argued, and continues to argue that Tolbert does not and can not tilt, and has maintained this position in the Amendment A, proposed Amendment B (after final not allowed), and in the RCE. It is impossible for Tolbert's containers to operate in the tilted position on a single castored wheel.

Applicant stated that not all arguments raised in response to the first action in applicant's response of paper No. 6 were not answered by the examiner. The examiner responded to these arguments insofar as was necessary, certain arguments were moot due to the amendment of claims and a coincidental change in rejection, other arguments had no basis such as the arguments for commercial success and long felt need of a 102 rejection.

The merits of the case were discussed at great length for over 30 min.

  
Ferdinand Schermel (applicant pro se)

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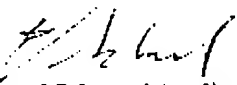
Nov 5, 2002

PARTICIPANTS: Steven J. Castellano, Ferdinand Schermel (applicant pro se)  
DATE OF INTERVIEW: 19 September 2002

Sir:

In response to the Office Action mailed 10/10/2002, applicant agrees with the summary of the interview which states:

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant faxed a copy of amendment B and initiated interview to talk to examiner about latest amendment B, paper No. 10 filed after final rejection. Amendment raised new issues after final and would not be entered by the examiner since new elements of top supporting edge of wheeled container and bottom supported edge of the first attachable container were being added to the claims. Applicant defiantly stated that his amendment did not raise new issues and remained unconvinced. Applicants time period continues to run from the mailing of the final rejection.

  
Ferdinand Schermel (applicant pro se)